LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS

54111 BROUGHTON ROAD

MACOMB, MI 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN

DEAN AUSILIO, VICE CHAIRMAN CHARLES OLIVER, MEMBER ARNOLD THOEL, MEMBER DEBORAH ZOLNOSKI, MEMBER

ABSENT: MICHAEL D. KOEHS, SECRETARY

JOA PENZIEN, MEMBER

ALSO PRESENT: Lawrence Dloski, Legal Counsel

Jerry Schmeiser, Planning Consultant

James Gelios, Deputy Clerk

(Additional attendance on file at the Clerk's Office)

Call Meeting to Order

Chairman Gallagher called meeting to order at 7:00 P.M.

Pledge of Allegiance

1. Roll Call

Member THOEL called the roll, Members KOEHS and PENZIEN absent.

2. Approval of Agenda Items (with any corrections)

MOTION by AUSILIO seconded by THOEL to approve the agenda as presented.

MOTION Carried.

3. Approval of the September 19, 2006 previous Meeting Minutes

MOTION by OLIVER seconded by AUSILIO to approve the previous meeting minutes of Sept. 19, 2006 as presented.

MOTION Carried.

AGENDA ITEMS:

4. Site Plan for CVS Pharmacy; Located on the on the southeast corner of 23 Mile Road and North Avenue; Section 24; Velmeir Companies, Petitioner. Permanent Parcel No. 08-24-101-001, 08-24-101-002 and 08-24-101-003.

Planning Consultant Jerry Schmeiser addressed the Board Members on this item.

Petitioner John Thompson form Atwill Hicks also present.

FINDINGS:

The petitioner is requesting approval for pharmacy and ground sign for the above described property.

Characteristics of the property in question can be summarized as follows:

Current Zoning: C-3; subject to a Contract Zoning to C-2 (April 26, 2006) Conditions of Contract:

- All existing structures will be eliminated
- Combine all three parcels
- Limit use of the subject property to drug store

Present Use: vacant plus a bar/lounge and a barber shop

Size and Dimensions of Property: 08-24-101-001 .50 acres

-002 & .749 acres -003 2.11 acres

Total Parcel 3.35 acres

The general description of the surrounding properties is as follows:

The property to the north of the tract in question, across 23 Mile Road, is zoned C-1 and R-1 and contains a residence and vacant land.

The property to the east is zoned R-1 and contains a residence.

The property to the south is zoned C-3 and contains a restaurant and a hall.

The property to the west, across North Avenue, is zoned C-3 and contains a gas station.

The Master Plan depicts the area as commercial and the Master Thoroughfare Plan indicates 120' and 150' of right-of-way respectively for 23 Mile Road and North Avenue.

The Building Official indicates that the property is within the 100-year floodplain. The site plan submitted by the petitioner indicates the following:

A 12,900 sq. ft. pharmacy will be constructed on the site set back 146.61' from 23 Mile Road and 207.08' from North Avenue.

Access to the site will be provided via one drive from 23 Mile Road in the northeast corner of the site and one drive from North Avenue in the southwest corner of the site.

Parking for 86 cars will be provided on the site.

A drive through pharmacy pick up station will be provided in the southeast corner of the building. Access is shown around the building.

A 15' wide greenbelt setback is provided along both 23 Mile and North Avenue.

A 45' wide greenbelt with a 6' high wall is shown along the east property line. A contract rezoning has provided approval for the 40' wide plus greenbelt rather than a 50' wide greenbelt.

The greenbelt will be developed with a 6' wall along the east property line with a row of evergreens in an 8' wide strip. A retaining wall will be constructed along the west edge of the 8' strip. An area for the detention of water, approximately 3' deep, will be between the 8' wide strip and a second 8' wide strip which will also be planted with rows of evergreens.

Eight foot paths along 23 Mile and North Avenue, a dumpster area, loading zone, future access to the east and south are provided per the requirements of the Zoning Ordinance.

A sign location is shown 15' from both 23 Mile and North. However, details of the sign are not shown therefore the sign is not part of this approval. A second sign by the east entrance is shown but only one sign is allowed.

RECOMMENDATIONS:

It is recommended that the site plan for the pharmacy, excluding the ground sign, be approved with the standard conditions of the Planning Commission, including:

- 1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
- 2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.

- 3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
- 4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
- 5. Sidewalks to be provided to the satisfaction of the Township Engineer.
- 6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
- 7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
- 8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed with two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
- 9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
- 10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
- 11. That all signs be designated on the site plan and meet the Township requirements.
- 12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
- 13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and

- obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
- 14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
- 15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
- 16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
- 17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
- 18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
- 19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited.
- 20. That all requirements of the Zoning Ordinance be met.
- 21. Since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
- 22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.

That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.

24. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

- 25. That all conditions of the contract rezoning be met.
- 26. That the sign is not part of this approval. Further, the second sign be removed from the plan.

MOTION By ZOLNOSKI seconded by OLIVER to approve Site Plan for CVS Pharmacy; Located on the on the southeast corner of 23 Mile Road and North Avenue; Section 24; Permanent Parcels No. 08-24-101-001, 08-24-101-002 and 08-24-101-003, with the added condition that the wall on the east side of the site be extended northward to within fifteen (15) feet of 23 Mile Road.

MOTION Carried.

5. Ground Sign for CVS Pharmacy; Located on the on the southeast corner of 23 Mile Road and North Avenue; Section 24; Velmeir Companies, Petitioner. Permanent Parcel No. 08-24-101-001, 08-24-101-002 and 08-24-101-003.

MOTION By AUSILIO seconded by THOEL to table this item per Petitioner's request.

MOTION Carried.

6. Extension of Time; Tentative Preliminary Plat for Legacy Farms Subdivision; Located on the west side of Fairchild Road and approximately ½ mile north of 22 Mile Road; Section 24; Classic Development, Petitioner. Permanent Parcel 08-24-401-004.

Planning Consultant Jerry Schmeiser addressed the Board members on this issue.

MOTION by OLIVER seconded by ZOLNOSKI to recommend the Extension of time for the Preliminary Plat for Legacy Farms Subdivision for a period of one year; to 10-27-07.

MOTION Carried.

7. Extension of Time; Landscape and Pathway Variance for Clearstone Subdivision; Located on the southwest corner of 26 Mile Road and Luchtman Road; Section 5; Lehner Associates, Petitioner. Permanent Parcel 08-05-200-011.

Planning Consultant Jerry Schmeiser addressed the Board members on this issue.

Bill Thompson, Petitioner, present.

MOTION by AUSILIO seconded by THOEL to recommend the extension of time for the landscape and pathway variance for Clearstone Subdivision for a period of one year; to 9-24-07.

MOTION Carried.

8. Ground Sign; William Beaumont Hospital; Located on the northeast corner of Hall Road and Tilch Road; Section 31; Sign Graphix, Petitioner. Permanent Parcel 08-31-451-001 and 08-31-451-002.

Planning Consultant Jerry Schmeiser addressed the Board members on this issue.

Petitioner Bob Kirk present.

FINDINGS:

The petitioner is requesting a site plan approval for a ground sign for the recently constructed hospital site on the above described property.

The sign will be located at the entrance to the site from Hall Road. The sign will be situated on the west side of the drive entrance. However, no dimensions are given as to the setback from Hall Road or the entrance drive. The zoning ordinance requires a setback of 15' from Hall Road and 15' from the entrance drive. The maximum height of the sign shall not exceed 5' with a size not to exceed 32 sq. ft.

An agreement made by the hospital with the Township Board via a consent judgment is that the sign will not exceed 84 sq. ft.

RECOMMENDATIONS:

It is recommended that the ground sign be approved with the standard conditions of the Planning Commission, including:

- 1. That Section 10.0319 of the Zoning Ordinance be met.
- 2. That the surface area of one side of the sign be limited to 84 square feet.
- 3. That a \$500 cash bond be posted assuring the installation of the sign as approved.
- 4. That a site plan be prepared by the petitioner to show that the sign will be set back 15' from Hall Road and 15' from the entrance drive.

It is noted that this recommendation for approval does not include any other ground signs temporary or permanent for the property in question. If the petitioner chooses, further considerations separate applications must be submitted.

MOTION by AUSILIO seconded by OLIVER to approve this item as recommended by the Planning Consultant with the stipulation they supply a site plan with dimensions for ground sign.

MOTION Carried.

9. **Landscape Plan; Portofino Villas Subdivision**; Located on the west side of Card Road, approximately ¼ mile north of 23 Mile Road; Portofino Villas, Inc., Permanent Parcel 08-14-426-006.

Planning Consultant Jerry Schmeiser addressed the Board members on this issue.

Petitioner Vito Serra present.

MOTION by OLIVER seconded by ZOLNOSKI to table this item per petitioner's request to the 10-17-06 Planning Commission meeting.

MOTION Carried.

10. Land Division Variance; Manchester Woods Subdivision; Located on the East side of Fairchild Road south of 22 Mile Road; Section 25; Landtec Associates, LLC, Petitioner. Permanent parcel No. 08-25-226-040. (Tabled from 9-19-06 meeting)

Planning Consultant Jerry Schmeiser addressed the Board members on this issue.

Public Portion: resident David Wolf expressed his concerns regarding this issue with the Board members.

Craig Duckwitz, Petitioner, present.

MOTION by AUSILIO seconded by ZOLNOSKI to table this item per petitioner's request to the November 21, 2006 Planning Commission meeting.

MOTION Carried.

11. Amendments to Township Zoning Ordinance based on enactment of the Municipal Zoning Ordinance

Township Attorney Larry D'Loski addressed the Board members regarding this issue.

MOTION By AUSILIO seconded by THOEL to schedule a Public Hearing on this matter for November 7, 2006 Planning Commission meeting.

MOTION Carried.

12. Motion to receive and file all correspondence in connection with this agenda.

MOTION By AUSILIO seconded by THOEL to receive and file all correspondence in connection with this agenda.

MOTION Carried.

PLANNING CONSULTANTS COMMENTS

PLANNING COMMISSION COMMENTS

Chairman GALLAGHER advised Board members on a program called "Planners Exchange" available at Freedom Hill Oct 19 and if any member is interested see him for details.

ADJOURNMENT

MOTION by OLIVER seconded by ZOLNOSKI to adjourn the meeting at 8:33 P.M.

MOTION Carried.

| Respectfully Submitted, |
|---|
| Edward Gallagher, Chairman |
| Michael D. Koehs, CMC Macomb Township Clerk jrg |